

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Kimberly Epps, ) C.A. No.:  
                    )  
Plaintiff,       )  
                    )  
vs.               ) **C O M P L A I N T**  
                    )  
Unum Life Insurance Company )  
of America,       )  
                    )  
Defendant.       )

The Plaintiff, complaining of the Defendant herein, would show unto this Honorable Court as follows:

I.

Plaintiff is a citizen and resident of Summerville, South Carolina.

II.

Defendant is an insurance company organized and existing pursuant to the laws of one of the States of the United States, and that does business in Summerville, South Carolina.

III.

In this matter, Plaintiff seeks long term disability insurance benefits under an E.R.I.S.A. plan pursuant to 29 U.S.C.S. § 1132(a)(1)(B) and this court has jurisdiction to hear this matter based upon involvement of a federal question.

IV.

Until August 2004, Plaintiff was employed with Rhodia and as an employee of Rhodia, Plaintiff was provided with long term disability insurance coverage via a plan that was fully insured by Defendant.

V.

Because of certain problems from which she suffered, Plaintiff was forced to cease working and she filed a claim for long term disability.

VI.

Defendant denied Plaintiff's claim. Plaintiff appealed Defendant's denial, however, Defendant has failed to respond to Plaintiff's appeal and has taken longer than allowed under E.R.I.S.A. and, therefore, Plaintiff believes that further attempts to exhaust administrative remedies would be futile and assumes the claim is denied.

**FOR A FIRST CAUSE OF ACTION**

VII.

Plaintiff incorporates all prior allegations, where not inconsistent, as fully set forth herein.

VIII.

Plaintiff respectfully requests that this Court consider the administrative record compiled in this case and declare, pursuant to 29 U.S.C.S. §1132(a)(1)(B) that Plaintiff is entitled to long term disability benefits that she seeks. Plaintiff additionally requests that the Court award her attorney's fees and costs pursuant to 29 U.S.C.S. §1132(g).

**WHEREFORE**, having fully stated her complaint against the Defendant, Plaintiff prays for a declaration of entitlement to the long term disability benefits she seeks pursuant

to 29 U.S.C.S. §1132(a)(1)(B), attorney's fees and costs pursuant to 29 U.S.C.S. §1132(g), and such other and further relief as this Court deems just and proper.

s/ Robert E. Hoskins

Robert E. Hoskins, Esq., #5144

Rachel North-Coombes, Esq., #9647

**FOSTER LAW FIRM, L.L.P.**

PO Box 2123

Greenville, SC 29602

(864) 242-6200

(864) 233-0290 (facsimile)

E-mail: [rhoskins@fosterfoster.com](mailto:rhoskins@fosterfoster.com)

[rnorth-coombes@fosterfoster.com](mailto:rnorth-coombes@fosterfoster.com)

Date: December 23, 2005

Attorneys for Plaintiff